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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/068,866	10/23/1998	KATSUAKIRA MORIWAKE	450108-4484	2773
20999	7590	09/22/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 09/22/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/068,866	MORIWAKE ET AL.	
	Examiner Truc T Chuong	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 21 July 2004.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 144, 146, 147, 149-152, 154, 156 and 158-163 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 144, 146, 147, 149-152, 154, 156 and 158-163 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This communication is responsive to Amendment G, filed 07/21/04.
2. Claims 144, 146-147, 149-152, 154, 156, 158-163 are pending in this application. Claims 162 and 163 are independent claims. In Amendment G, independent claims 162-163 are amended. This action is made non-final.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 144, 146-147, 149-152, 154, 156, 158-163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingler et al. (U.S. Patent No. 5,682,326).

As to claim 162, Klingler teaches an editing system comprising:

a plurality of modules (displaying one or more movie-editing windows, e.g., col. 3 lines 13-15, col. 6 lines 1-4, figs. 3, 5, 10, and 11) for selectively performing one or more of editing, composing, and special effects processing on a plurality of clips (display all selected clips with special effects, e.g., col. 3 lines 15-30, col. 8 lines 19-30, col. 9 lines 7-24, and figs. 6 & 10) to produce a first resultant clip (resultant clip, col. 3 lines 1-12), said modules being operable to perform processing on said first resultant clip to produce a second resultant clip (creating the resultant clip, col. 3 lines 9-13); and

display means for displaying a table of horizontally aligned rows and vertically aligned columns (fig. 4), said table including at least textual indicia identifying said plurality of clips as being material clips or resultant clips (although, Klingler clearly teaches the clips are preferably defined by a clip identifier, Tape ID, etc. (e.g., col. 6 lines 38-46, col. 7 lines 10-36, and fig. 4), Klingler does not clearly show that the IDs identifying whether the clips are material clips or resultant clips. It is well known and obvious to have the IDs with specifically defined IDs/names/codes to improve visualization to help the editors distinguish which clips are modified or kept as original/unchanged during editing) including those clips subjected to said processing to produce said first resultant clip (One window displays some or all of selected clips of a movie-in-process, col. 3 lines 13-30, and fig. 4), and said indicia indicating the modules used to process said clips (The clips are preferably defined by a clip identifier, ID, and comments, (e.g., col. 6 lines 38-46, col. 7 lines 10-36, and fig. 4), from the comment column of fig. 4, it is well known and would have been obvious for the editor to use the comments to specify the related description/information of the process in making/editing movies including locations, methods, date, notes, and what editing system had been used to produce the modified (resultant) clips, etc. This commenting purposes will ease the editor in future of retrieving/viewing/editing), said table further identifying the second resultant clip produced as a result of processing performed on said first resultant clip (recreating the resultant clip from the “first” resultant clip or any source clips, e.g., col. 3 lines 1-12, and this feature must be shown in Klingler’ video editing system because the resultant clip or others can be stored for further editing or viewing, col. 2 lines 16-21), and indicating the type of processing performed thereon, said table further indicating duration (This information typically includes the clip name, clip

duration, in and out points, the number and type of tracks comprising the clip, comments, status and tape I.D., e.g., col. 7 lines 22-36, and fig. 4) of said plurality of clips and having an enable/disable flag for each of said plurality of clips (Klingler shows the status of clips typically indicates whether the clip is a reference to source media that is still on videotape, or to media that has been digitized and stored on disk (col. 7 lines 30-36, and fig. 4) means “On disk” status is enable and “Not” is disable).

As to claim 163, this is a method claim of system claim 162. Note the rejection of claim 162 above.

As to claim 144, Klingler teaches the editing system according to claim 162, further including a database for registering information for each of said plurality of clips (the resultant clip or others can be stored for further editing or viewing, col. 2 lines 16-21).

As to claim 146, Klingler teaches the editing system, according to claim 162, wherein said plurality of modules comprise an edit module for performing said editing processing of said plurality of clips, a composite module for performing said composing processing of said clips, and a special effect module for performing said special effects processing of said clips (display all selected clips with special effects, e.g., col. 3 lines 13-30, col. 8 lines 19-30, col. 9 lines 7-24, and figs. 6 & 10).

As to claim 147, Klingler teaches the editing system according to claim 146, wherein said display means displays a graphical user interface respectively representing said edit module, composite module, and said special effect module on a display (figs. 5, 7, 10, and 11).

As to claim 149, Klingler teaches the editing system according to claim 144, further comprising control means for controlling said plurality of modules based on said information

registered in said database (the resultant clip or others can be stored for further editing or viewing, col. 2 lines 16-21, and col. 6 lines 38-52).

As to claim 150, Klingler teaches the editing system according to claim 149, wherein said control means updates content of a first resultant clip registered in the database, and updates content of resultant clips produced from said first resultant clip (clip can be removed from the video track and another inserted, e.g., col. 4 lines 13-15).

As to claims 151 and 152, Klingler teaches the editing system according to claim 149, wherein said control means overwrites content of a first resultant clip registered in the database with content of a new resultant clip, and updates content of resultant clips produced from said first resultant clip (Klingler inherently teaches the control of overwriting the resultant clip because the data structure and others information including source clips and the resultant clip(s) are stored in the database for both play-back and editing the digital movie/data, and recover the necessary information required to reassemble the stored media from the source media from which it was created (col. 2 lines 16-21), and based on Klingler's editing system, any of the data storing in Klingler's editing system can be considered to be edited including all editing features such as replacing, renaming, deleting, modifying or reediting the above data).

As to claim 154, it is a method claim of system claim 144. Note the rejection of claim 144 above.

As to claims 156, and 158-161, they are method claims of system claims 146, 147, and 151-153. Note the rejections of claims 146, 147, and 151-153 above respectively.

***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Foreman et al. (U.S. Patent No. 6,628,303 B1) teach modules, original clips, modified clips, availability, editing/viewing processes, special effects, table with columns and rows, and IDs (cols. 1-17 and figs. 2, 5, 6-14).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753, and starting October 2004, a new telephone number will be 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 703-308-5186, and starting October 2004, a new telephone number will be 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

09/17/04

BA HUYNH  
PRIMARY EXAMINER